

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES,

Plaintiff,

v.

No. 23-20191

DEMETRIUS HALEY,

Defendant.

UNOPPOSED MOTION TO EXTEND DEADLINE TO APPEAL

MAGISTRATE'S ORDER R. 296

Comes now the defendant, Demetrius Haley, by and through his counsel of record, and moves this court to extend the deadline for him to file an appeal of Magistrate Claxton's Order denying his motion to restrict lay opinion testimony through and including July 1, 2024. In support thereof, Mr. Haley would show:

1. Mr. Haley filed a motion to restrict the scope of lay opinion testimony on the use of force, actually drafted by lead counsel, on February 7, 2024. (R. 158). The motion was referred to Magistrate Claxton "for determination or for proposed findings and recommendation, as appropriate" on April 11, 2024. (R. 248, Order of Reference). Magistrate Claxton entered an order denying the motion on June 4, 2024, (R. 296, Order Denying Motion *in limine* to

Restrict Lay Opinion Testimony Regarding Use of Force), making the deadline to appeal to this court June 18, 2024. (L.R. 72.1(g)(1)).

2. Lead counsel was out of the country without access to an internet connection from June 4 - 22, 2024 and was unaware of the order until he returned to the office on June 23, 2024.

3. Upon review of the order, counsel believes good grounds exist to appeal it to this court for review and reconsideration.

4. Consistent with L.Crim.R. 12.1(a), the undersigned consulted with the prosecution and learned that the United States does/does not object to it being granted.

Respectfully submitted,

S/Michael J. Stengel

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Certificate of Service

I hereby certify that I have served a copy of the foregoing Motion to Extend Deadline by electronic means, via the Court's

electronic filing system, on AUSA's David Pritchard, Libby Rogers, Kathryn Gilbert, and Forrest Christian this 26th day of June, 2024.